



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN - 5 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter Jaworowski
Anderson Schumaker Company
824 South Central Avenue
Chicago, Illinois 60644

Re: Anderson Schumaker Company
Administrative Order EPA-5-14-113(a)-IL-18

Dear Mr. Jaworowski:

Enclosed please find an Administrative Order (Order) issued under Sections 113(a)(3) and 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(3) and 7414(a). The Order requires Anderson Schumaker Company (Anderson Schumaker) to produce to the U.S. Environmental Protection Agency specified documents and information and conduct testing at its facility at 824 South Central Avenue, Chicago, Illinois. The Order becomes effective ten (10) calendar days after the day you receive it, unless within that 10-day period, you request an informal conference with EPA, or submit comments, information or arguments regarding this Order, as described below.

If you wish to discuss the Order, you may request an informal conference with EPA, but you must make your request within ten (10) calendar days of your receipt of the Order. If you request an informal conference, it must be held within fifteen (15) calendar days of your request, unless you and EPA agree otherwise. You may also submit to EPA, by certified mail, within ten (10) calendar days after receiving this Order, any relevant written comments, information or arguments you may have regarding this Order.

Failure to comply with this Order may subject you to sanctions under the CAA. You may direct any questions regarding this matter to the following EPA representative:

Katharina Bellairs
Air and Radiation Division
U.S. Environmental Protection Agency
Mail Code AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

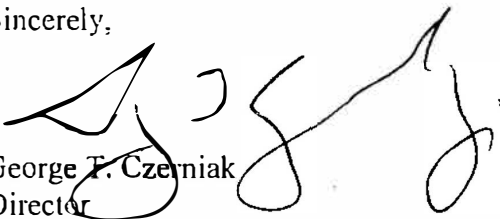
Ms. Bellairs can be reached at (312) 353-1669. If you have an attorney, he or she may direct legal questions you may have regarding this matter to:

John Matson
Office of Regional Counsel
U.S. Environmental Protection Agency
Mail Code C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604

Mr. Matson can also be reached at (312) 886-2243.

In view of Anderson Schumaker's past failure to provide information to EPA, I urge you to give this matter your immediate attention

Sincerely,



George F. Czerniak
Director
Air and Radiation Division

Enclosures

cc: Regional Hearing Clerk
U.S. EPA, Region 5

Ray Pilapil, Manager
Bureau of Air, Compliance and Enforcement Section

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Anderson Shumaker Company

Proceeding Under Sections 113(a)(3)
and 114(a) of the Clean Air Act,
42 U.S.C. §§ 7413(a)(3) and 7414(a)

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) **ADMINISTRATIVE ORDER**
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) **EPA-5-14-113(a)-IL-18**
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Administrative Order

1. The Director of the Air and Radiation Division of Region 5 of the U.S. Environmental Protection Agency, is issuing this Administrative Order (Order) to Anderson Shumaker Company (Anderson) under Sections 113(a)(3) and 114(a) of the Clean Air Act (the CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a).

Statutory Authority

2. Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), authorizes the Administrator of EPA to require any person who owns or operates an emission source to, among other things, "provide information required by the Administrator." The Administrator has delegated this authority to the Director of the Air and Radiation Division of Region 5 (Director).

3. Whenever, on the basis of any information available to the Administrator of EPA, the Administrator finds that any person has violated, or is in violation of, *inter alia*, any requirement of Subchapter I of the Act (including Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1)), the Administrator is authorized by Section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), to issue an order requiring such person to comply with the requirement or prohibition. The Administrator has delegated this authority to the Region 5 Director of the Air and Radiation Division.

Findings

4. Anderson owns and operates an open die forge facility located at 824 South Central Avenue in Chicago, Illinois (Facility).

5. Anderson's facility has two natural gas boilers, four annealing furnaces, seven forging furnaces and a hydraulic forging press. The facility does not utilize any air pollution control devices.

6. Anderson owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

7. On or about July 2, 2013, EPA inspectors conducted an inspection of the Facility. *See* Exhibit 1.

8. On or about November 13, 2013, EPA issued to Anderson a Request to Provide Information (the 114 Request) pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a). *See* Exhibit 2.

9. Anderson received the 114 Request on November 15, 2013. *See* Exhibit 3.

10. Anderson was required to send EPA the required information within 30 calendar days after Anderson received the 114 Request (i.e. by December 17, 2013). *See* Exhibit 2.

11. Anderson did not meet this time obligation, nor did it contact EPA to request an extension of time to respond to the 114 Request.

12. EPA subsequently contacted Anderson, and on January 15, 2014, Peter Jawaroski, a Vice President at Anderson, left a voicemail message for Roshni Brahmabatt of EPA, stating that Anderson had received the 114 Request but would need more time to respond. *See* Exhibit 4.

13. On January 16, 2014, Ms. Brahmhatt sent Mr. Jawaroski an electronic-mail message confirming her receipt of his voicemail message requesting more time for Anderson to respond to the 114 Request. *See* Exhibit 4.

14. On January 21, 2014, Mr. Jawaroski informed Ms. Brahmhatt in a telephone conversation that Anderson would respond to the 114 Request and provide EPA the requested information by January 31, 2014. *See* Exhibit 5.

15. Anderson did not respond to the 114 Request and provide EPA the requested information by January 31, 2014.

16. On March 21, 2014, John Matson of EPA sent Mr. Jawaroski an electronic-mail message informing him that as of that date, U.S. EPA had still not received Anderson's response, and Anderson had therefore failed to provide information in compliance with its obligations under the CAA. Mr. Matson requested that Anderson provide within fourteen days (i.e. April 4, 2014) to EPA all information responsive to the 114 Request. *See* Exhibit 6.

17. On March 24, 2014, Mr. Jawaroski sent Mr. Matson an e-mail message stating that Anderson would "comply with the requested information within the next fourteen days." *See* Exhibit 7.

18. Anderson did not respond to the 114 Request and provide EPA the requested information by April 4, 2014.

19. On April 4, 2014, Mr. Matson sent Mr. Jawaroski an e-mail message stating that Anderson had not yet produced to EPA the information sought in the 114 Request. *See* Exhibit 8.

20. On April 4, 2014, Mr. Jawaroski sent Mr. Matson an e-mail message stating that Anderson would be sending that day to EPA the information sought in the 114 Request. *See* Exhibit 9.

21. Anderson did not properly respond to the 114 Request by providing EPA the requested information on April 4, 2014.

22. On April 11, 2014, Mr. Matson sent Mr. Jawaroski an e-mail message stating that EPA had not received the information sought in the 114 Request. *See* Exhibit 10.

23. Anderson has therefore violated Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), by failing to provide any response to the 114 Request.

Compliance Program

24. Anderson must comply with all requirements of the 114 Request. Specifically, Anderson must produce the information specified in the 114 Request within twenty one (21) days of this Order's effective date.

25. Anderson must send all information, including the test reports, required by this Order to:

Katharina Bellairs
Air and Radiation Division
U.S. Environmental Protection Agency
Mail Code AE-17J
77 West Jackson Boulevard
Chicago, Illinois 60604

Effective Date and Opportunity to Confer

26. Within ten (10) days after receipt of this Order, Anderson may request an informal conference with EPA. Any such conference shall be held within fifteen (15) calendar days from the date of the request, unless extended by agreement of the Parties. At any conference held pursuant to the request, Anderson may appear in person, participate by

telephone or be represented by an attorney or other representative. If a conference is held, Anderson may present any information, arguments or comments regarding this Order. This conference is not a formal evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Anderson a right to seek review of this Order. To request an informal conference, Anderson should contact Mr. John Matson, Associate Regional Counsel, EPA Region 5 Office of Regional Counsel, at (312) 886-2243.

27. Regardless of whether a conference is requested, Anderson may submit to EPA in writing via certified mail any relevant information, arguments or comments, and such information must be received by EPA within ten (10) calendar days of Anderson's receipt of this Order, unless extended by agreement of the Parties.

28. Unless Anderson requests a conference or submits information pursuant to this Section of this Order, this Order is effective ten (10) calendar days after its receipt by Anderson. If Anderson requests an informal conference or submits written information pursuant to this Section, this Order will become effective ten (10) days after the informal conference or EPA's receipt of written submittals, whichever is later unless, based on information Anderson presents, EPA withdraws or modifies this Order. If EPA modifies this Order based on information Anderson presents, the Order, as modified, is effective upon Anderson's receipt of it.

General Provisions

29. This Order is not a permit, and does not waive, modify or otherwise affect Anderson's ongoing responsibility to comply with other local, state and federal ordinances, permits, licenses, laws and regulations.

30. This Order does not restrict EPA's authority to enforce Sections 113 and 114 of the Act, or any other section of the Act.

31. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the CAA, 42 U.S.C. § 7413, for Anderson's failure to comply with the 114 Request.

32. Failure to comply with this Order may subject Anderson to penalties of up to \$37,500 per day for each violation under Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19. The CAA also authorizes the Administrator of EPA to commence a civil action for a temporary and permanent injunction and to recover a civil penalty for violations of permits issued under the CAA, or other specified provisions of the CAA, 42 U.S.C. § 7413(b). The CAA further provides for criminal penalties for knowing violations of specified provisions of the CAA, 42 U.S.C. § 7413(c).

33. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

34. The terms of this Order are binding on Anderson, its assignees and successors. Anderson must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that Anderson has given the notice.

35. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please provide your response to this Order without staples. Paper clips and binder clips are acceptable.

**In the Matter of:
Anderson Shumaker Company
Administrative Order Under
Clean Air Act Sections 113(a)(3) and
114(a)**

Date

6/5/14

George T. Czerniak
Director
Air and Radiation Division

Attachments

CERTIFICATE OF MAILING

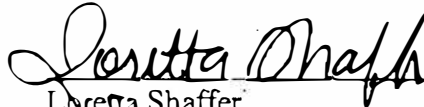
I, Loretta Shaffer, certify that I sent the Administrative Order, EPA-5-14-113(a)-IL-18, by certified mail, return receipt requested, to:

Peter Jaworowski
Anderson Shumaker Company
824 South Central Avenue
Chicago, Illinois 60644

I also certify that I sent a copy of the Administrative Order, EPA-5-14-113(a)-IL-18, by first-class mail to:

Ray Pilapil, Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

on the 12th day of June, 2014.


Loretta Shaffer
Administrative Program Assistant
AECAS (PAS)

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 3592